

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

904 TOWER APARTMENT LLC and MADISON
APARTMENT 905 LLC

Plaintiff

v.

THE MARK HOTEL LLC, MARK HOTEL SPONSOR
LLC, THE MARK HOTEL OWNERS CORP., ALEXIC

Defendant

Civil Action No. 10CV9701 (LLS)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Simon Elias

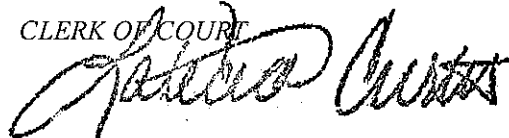
A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RUBY J. KRAJICK

CLERK OF COURT



Signature of Clerk or Deputy Clerk

FEB 18 2011

Date: _____

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

----- X
904 TOWER APARTMENT LLC and MADISON
APARTMENT 905 LLC

Plaintiffs,

v.

THE MARK HOTEL LLC, MARK HOTEL SPONSOR
LLC, THE MARK HOTEL OWNERS CORP.,
ALEXICO GROUP, LTD., 205 EAST 45 LLC, SIMON
ELIAS, IZAK SENBAHAR, AND JOHN DOES 1-10

Defendants.
----- X

Case No. 10cv9701 (LLS)

AFFIDAVIT OF SERVICE

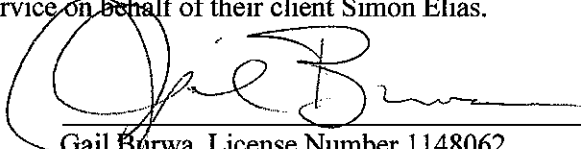
STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Gail Burwa, being duly sworn, deposes and says:

I am not a party to this action, am over eighteen years of age, and reside in Whiting, New Jersey.

On March 9, 2011 at about 3:45 pm, I personally served a true & correct copy of the **SUMMONS IN A CIVIL ACTION DIRECTED TO SIMON ELIAS. dated 2/18/11** upon the law firm of Kramer Levin Naftalis & Frankel LLP, 1177 Avenue of the Americas, New York, New York 10036 who agreed to accept service on behalf of their client Simon Elias.

Dated: New York, New York
March 9, 2011


Gail Burwa, License Number 1148062
Tannenbaum Helpert Syracuse Hirschtritt LLP
900 Third Avenue
New York, New York 10022
(212) 508-6772

Sworn to before me this
9th, March 2011


Notary Public

Olga E. Mulligan
Notary Public, State of New York
No: 01MU4989802
Qualified in Nassau County
Commission Expires February 08, 2014